IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 109 OF 2004

Kum.Priti Prakash Suryawanshi. ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

Mr.R.K. Mendadkar for Petitioner.
Mr.P.M.Patil, AGP for Respondents No.1 to 4.
Mr.R.V. Govilkar for Respondent No.5.

CORAM : DR.S. RADHAKRISHNAN &
V.M. KANADE, JJ.

DATED : AUGUST 22, 2006

P.C. :-

1. Heard learned Counsel for the petitioner and learned AGP Mr.Sonawane for respondents no.1 to 4 and learned Counsel Mr.Govilkar for respondent no.5.

2. By this petition, the petitioner is challenging the order of the Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane, dated 31st July, 2003. The petitioner is presently studying in respondent no.5 College and is pursuing the Degree Course in BHMS. The petitioner claims to be belonging to "Thakur" which is a Scheduled Tribe. In that behalf,

petitioner appears to have tendered 14 documents and the matter was also referred to the Vigilance Cell for inquiry and the Vigilance Cell has submitted a report to the Committee dated 19th May, 2003.

3. Learned Counsel for the petitioner pointed out that though the petitioner had produced 14 documents and the Vigilance Committee report was also before the said Committee, the Committee has not considered the documents produced by the petitioner.

4. The impugned order does not indicate that the aforesaid 14 documents and Vigilance Cell report were considered. In the light of the above, we are inclined to quash and set aside the order dated 31st July, 2003 and remand back the matter to the said Committee for a fresh hearing. The said Committee while deciding the same shall conduct the inquiry totally afresh and take into account all the judgments which are referred to in this petition also while deciding the same.

5. The petitioner shall appear before the said

Committee on 18th September, 2006 so as to enable the Committee to fix the schedule of hearing.

6. It is made clear that till the Committee decides, respondent no.5 shall allow the petitioner to continue in the college and the respondent no.6-University shall allow the petitioner to appear for the examinations and declare the results also.

7. Learned Counsel for the petitioner and also respondent no.5 undertake to inform the University, of the decision of the Scheduled Tribe Certificate Scrutiny Committee in the aforesaid matter. This entire exercise of the inquiry shall be conducted by the said committee, as expeditiously as possible, preferably within a period of four months from today.

8. In the event of the decisions being adverse to the petitioner, the same shall not be given effect for a period of two weeks from the date of receipt of written communication in that behalf. It is also made clear that the declaration of the result and the performance

of the petitioner in the said examination will be subject to the decision of the said committee.

9. All the contentions of all the parties are kept expressly open.

10. Rule is made absolute accordingly.

(DR.S. RADHAKRISHNAN, J.)

(V.M. KANADE, J.)